

REMARKS

The analyses regarding entitlement to priority from a prior application are noted. However, the analyses of the claims language finding (or not finding) support in the disclosure of a prior-filed application are incorrect with respect to the segments of the claims paraphrased by the Examiner.

Specifically, such resultant paraphrasings as “a first reflection is formed,” “...to form a second reflection,” and “...to form a third reflection” are incorrect since the reflections occur in nature and are not “formed” in accordance with steps of Applicant’s invention. Instead, *openings* are formed in such reflections in the manner as recited in Applicant’s claims, and there is significant distinction between paraphrased claims language and the recited claims language that has ample antecedent support in the specification and that provides patentable distinction over the cited art.

More specifically, claims 1-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaska ‘605. This rejection is respectfully traversed.

These claims specifically recite “advancing a surgical instrument through the opening in the pericardium near the apex region and along a path lateral to the left pulmonary veins into the transverse pericardial sinus; forming an opening in a first reflection disposed between the left and right superior pulmonary veins”; and

“form an opening in a second reflection disposed between the superior vena cava and the right superior pulmonary vein; advancing the surgical instrument through the opening formed in the second reflection”; and “forming an opening in a third reflection disposed between the inferior vena cava and the left inferior pulmonary vein; advancing the surgical instrument through the opening formed in the third reflection into the oblique pericardial sinus to substantially surround the left and right pulmonary veins with the surgical instrument.”

In addition, the dependent claims are further limited by such various recitations as “incising the anterior rectus sheath and retracting the rectus muscle to expose the posterior rectus sheath; incising the posterior rectus sheath to expose the inferior border of the costal margin; forming a tract through the incisions and the muscular diaphragm into the pleural cavity”; or “forming an opening in one of the first, second and third reflections includes grasping a portion of the reflection; and cutting the grasped portion of the reflection to form an aperture therein,” or “grasping through the opening formed in the first reflection the surgical instrument positioned within the transverse pericardial sinus for manipulating therein the surgical instrument through the opening formed in the second reflection,” or “pulling the grasped surgical instrument through the opening formed in the third reflection into the oblique pericardial sinus to substantially complete a loop of the surgical instrument surrounding the left and right pulmonary veins.”

These aspects of the claimed invention find no counterpart or even any suggestion in Vaska et al ‘605. This reference is understood to perform electrocardiographic mapping about the heart to establish proper positioning of an ablation device that forms transmural lesions in order to electrically isolate the pulmonary veins. It must be noted, however, that this reference merely discloses that such procedures are performed “within the pericardium and around the pulmonary veins *without cutting or puncturing the pericardial reflections*” (col. 2, lines 62-64). This reference does not support the Examiner’s analyses, even considering the suggestion of performing endocardial procedures “to engage an anatomical structure accessible from within the chambers of the heart such as the coronary sinus (from the right atrium), pulmonary artery (from the right ventricle), or the pulmonary veins (from the left atrium)” (col. 4, lines 43-47). However, there is no disclosure in this reference of forming *openings* in various reflections to pass a surgical instrument through such openings in the reflections, in any manner resembling Applicant’s claimed invention. It is therefore respectfully submitted that claims 1-9 are patentably distinguishable over the cited art.

Reconsideration and allowance of all elected claims are solicited.

Respectfully submitted,
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